

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

Plaintiffs,

v.

OCULUS VR, LLC, PALMER LUCKEY, and
FACEBOOK, INC.,

Defendants.

)
)
)
) CIVIL ACTION
) NO. 3:14-01849-P
)
)
)
)

JURY TRIAL DEMANDED

**APPENDIX OF DOCUMENTS SUBMITTED IN SUPPORT OF MOTION TO QUASH
AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE
RECORDS
PART 2**

Dated: September 24, 2014

Respectfully submitted,

**OCULUS VR, LLC, PALMER LUCKEY,
BRENDAN IRIBE TREXLER, MICHAEL
ANTONOV, MATTHEW HOOPER, JASON KIM,
JOHANNES VAN WAVEREN, JONATHAN
WRIGHT, GLORIA KENNICKELL AND
CHRISTIAN ANTKOW,**

By Their Attorneys,

/s/ Linda R. Stahl

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Dated: September 24, 2014

Respectfully submitted,

**JOHN CARMACK AND KATHERINE ANNA
KANG**

By Their Attorneys,

/s/ Richard A. Smith (with permission L.W.)

Richard A. Smith

Texas Bar No. 24027990

rsmith@lynnllp.com

LYNN TILLOTSON PINKER & COX, LLP

2100 Ross Avenue, Suite 2700

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CERTIFICATE OF SERVICE

I, Linda R. Stahl, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 24, 2014.

/s/ Linda R. Stahl

Linda R. Stahl

EXHIBIT B

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

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V.

OCULUS VR, LLC, PALMER LUCKEY, and
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Defendants.

CIVIL ACTION
NO. 3:14-01849-P

JURY TRIAL DEMANDED

**DECLARATION OF PALMER LUCKEY IN SUPPORT OF MOTION TO QUASH AND
FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

I, Palmer Luckey, declare as follows:

1. I am the founder of Oculus VR, LLC. I make this declaration in support of the Motion to Quash and for Protective Order Re Plaintiffs' Subpoenas for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 5 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was the personal phone number of a family member.

4. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 6 of the schedule attached to the Subpoenas was my personal phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 23th day of September 2014, in Irvine, California.

Palmer Luckey



EXHIBIT C

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
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CIVIL ACTION
NO. 3:14-01849-P

JURY TRIAL DEMANDED

**DECLARATION OF BRENDAN IRIBE TREXLER IN SUPPORT OF MOTION TO
QUASH AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR
PHONE RECORDS**

I, Brendan Iribre Trexler, declare as follows:

1. I am the Chief Executive Officer of Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 7 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal phone number.

4. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 8 of the schedule attached to the Subpoenas was the business number for Oculus VR, Inc.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 24th day of September 2014, in Irvine, California.



Brendan Iribre Trexler

EXHIBIT D

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
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IN THE UNITED STATES DISTRICT COURT
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CIVIL ACTION
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JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL ANTONOV IN SUPPORT OF MOTION TO QUASH
AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE
RECORDS**

I, Michael Antonov, declare as follows:

1. I am the Chief Software Architect at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 9 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal cell phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 24th day of September 2014, in Irvine, California.


Michael Antonov

EXHIBIT E

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
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IN THE UNITED STATES DISTRICT COURT
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CIVIL ACTION
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JURY TRIAL DEMANDED

**DECLARATION OF MATTHEW HOOPER IN SUPPORT OF MOTION TO QUASH
AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE
RECORDS**

I, Matthew Hooper, declare as follows:

1. I am the Director of Development at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 10 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 24th day of September 2014, in Dallas, Texas.


Matthew Hooper

EXHIBIT F

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
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IN THE UNITED STATES DISTRICT COURT
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ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

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CIVIL ACTION
NO. 3:14-01849-P

JURY TRIAL DEMANDED

**DECLARATION OF JOHN CARMACK IN SUPPORT OF MOTION TO QUASH AND
FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

I, John Carmack, declare as follows:

1. I am Chief Technology Officer at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. The phone number **REDACTED** identified in paragraph 1 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") ~~was~~ is my personal cell phone number.

4. The phone number **REDACTED** identified in paragraph 2 of the schedule attached to the Subpoenas was the phone number of my former home in Rockwall, Texas.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 2nd day of September 2014, in Dallas, Texas.



John Carmack

EXHIBIT G

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
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ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

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CIVIL ACTION
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JURY TRIAL DEMANDED

**DECLARATION OF KATHERINE ANNA KANG IN SUPPORT OF MOTION TO
QUASH AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR
PHONE RECORDS**

I, Katherine Anna Kang, declare as follows:

1. I am the owner of several business ventures. I am also married to John Carmack. I am not an employee of Oculus VR, LLC or Facebook, Inc.. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. The phone number **REDACTED** identified in paragraph 3 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") is the phone number I use for my personal business ventures.

4. The phone number **REDACTED** identified in paragraph 2 of the schedule attached to the Subpoenas was the phone number of my former home in Rockwall, Texas.

5. The phone number **REDACTED** identified in paragraph 4 of the schedule attached to the Subpoenas is my personal cell phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 23rd day of September 2014, in Dallas, Texas.

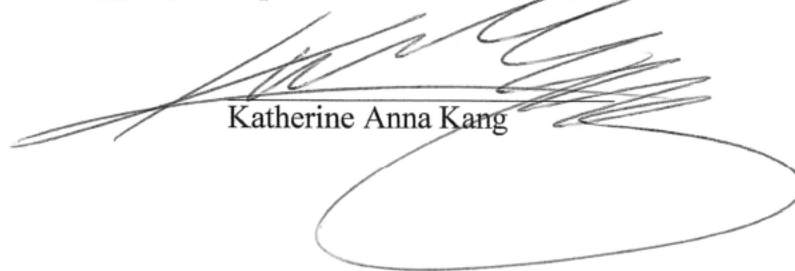

Katherine Anna Kang

EXHIBIT H

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

Plaintiffs,

V.

OCULUS VR, LLC, PALMER LUCKEY, and
FACEBOOK, INC.,

Defendants.

CIVIL ACTION
NO. 3:14-01849-P

JURY TRIAL DEMANDED

**DECLARATION OF JASON KIM IN SUPPORT OF MOTION TO QUASH AND FOR
PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

I, Jason Kim, declare as follows:

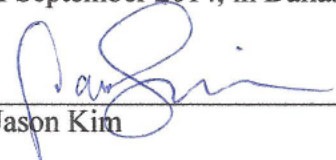
1. I am Project Manager at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 13 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal phone number.

4. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 14 of the schedule attached to the Subpoenas was my personal phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 23th day of September 2014, in Dallas, Texas.



Jason Kim

EXHIBIT I

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
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ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

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CIVIL ACTION
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JURY TRIAL DEMANDED

**DECLARATION OF JOHANNES VAN WAVEREN IN SUPPORT OF MOTION TO
QUASH AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR
PHONE RECORDS**


I, Johannes van Waveren, declare as follows:

1. I am a Senior Engineer at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 11 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal cell phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 24th day of September 2014, in Dallas, Texas.



Johannes van Waveren

EXHIBIT J

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ZENIMAX MEDIA INC. and ID SOFTWARE LLC,)	
)	
Plaintiffs,)	CIVIL ACTION
)	NO. 3:14-01849-P
v.)	
)	
OCULUS VR, LLC, PALMER LUCKEY, and)	
FACEBOOK, INC.,)	
)	JURY TRIAL DEMANDED
Defendants.)	

**DECLARATION OF JONATHAN WRIGHT IN SUPPORT OF MOTION TO QUASH
AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE
RECORDS**

I, Jonathan Wright, declare as follows:

1. I am a Senior Engineer at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 15 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal cell phone number.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 16 of the schedule attached to the Subpoenas was my wife's personal cell phone number.

4. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 17 of the schedule attached to the Subpoenas was my home land line.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 24th day of September 2014, in Dallas, Texas.

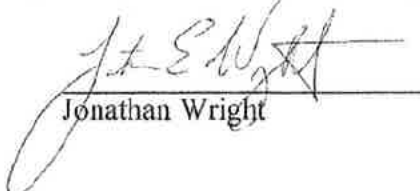

Jonathan Wright

EXHIBIT K

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
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ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

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v.

OCULUS VR, LLC, PALMER LUCKEY, and
FACEBOOK, INC.,

Defendants.

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)
) CIVIL ACTION
) NO. 3:14-01849-P
)
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JURY TRIAL DEMANDED

**DECLARATION OF GLORIA KENNICKELL IN SUPPORT OF MOTION TO QUASH
AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE
RECORDS**

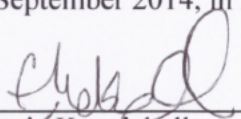
I, Gloria Kennickell, declare as follows:

1. I am an Engineer at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 12 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal cell phone number.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 23th day of September 2014, in Dallas, Texas.



Gloria Kennickell

EXHIBIT L

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

IN THE UNITED STATES DISTRICT COURT
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ZENIMAX MEDIA INC. and ID SOFTWARE LLC,

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OCULUS VR, LLC, PALMER LUCKEY, and
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CIVIL ACTION
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JURY TRIAL DEMANDED

**DECLARATION OF CHRISTIAN ANTKOW IN SUPPORT OF MOTION TO QUASH
AND FOR PROTECTIVE ORDER RE PLAINTIFFS' SUBPOENAS FOR PHONE
RECORDS**

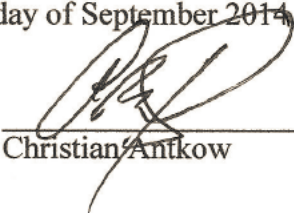
I, Christian Antkow, declare as follows:

1. I am an Engineer at Oculus VR, LLC. I make this declaration in support of the Motion to Quash Subpoenas and for Protective Order Re Plaintiffs' Subpoena for Phone Records.

2. I have personal knowledge of the facts recited in this declaration and, if called as a witness, could and would testify competently to them.

3. During April 1, 2012 to February 28, 2014 the phone number **REDACTED** identified in paragraph 18 of the schedule attached to the Subpoenas to AT&T Inc., Broadwing Communications, Comcast Cable of Indiana/Michigan/Texas LLC, Nextel of Texas, Inc., Southwestern Bell Telephone Company, Sprint Corporation, T-Mobile USA, Inc., Verizon Communications Inc., Verizon Wireless Services, LLC, Virgin Mobile USA, L.P., Vonage America Inc., Vonage Business Solutions, Inc. (collectively, the "Subpoenas") was my personal phone number.

4. I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on this 23th day of September 2014, in Dallas, Texas.



Christian Antkow

EXHIBIT M

**TO DECLARATION OF LUCY WANG IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER RE
PLAINTIFFS' SUBPOENAS FOR PHONE RECORDS**

Wang, Lucy

From: Sammi, P. Anthony <Anthony.Sammi@skadden.com>
Sent: Tuesday, September 23, 2014 1:45 PM
To: Wang, Lucy; phillip.philbin@haynesboone.com; 'michael.karson@haynesboone.com'; DLPZENIMAX@skadden.com
Cc: zzm oculus/zenimax (ext); 'lcarter@carterscholer.com'; Linda Stahl (lstahl@carterscholer.com)
Subject: RE: ZeniMax/Oculus

Follow Up Flag: Follow up
Flag Status: Flagged

Lucy,

I am in receipt of your email below. We will not be withdrawing the subpoenas, which are narrowly focused and entirely proper in cases of this nature.

Regards,
Tony

From: Wang, Lucy [<mailto:lucy.wang@bingham.com>]
Sent: Monday, September 22, 2014 4:10 PM
To: phillip.philbin@haynesboone.com; 'michael.karson@haynesboone.com'; Project ZeniMax IP DL
Cc: zzm oculus/zenimax (ext); 'lcarter@carterscholer.com'; Linda Stahl (lstahl@carterscholer.com)
Subject: ZeniMax/Oculus

Tony,

We received plaintiffs' notice of subpoenas to various carriers for phone records of defendants as well as several non-parties. The subpoenas are an overbroad invasion of privacy and not reasonably calculated to lead to the discovery of admissible evidence. We intend to seek relief from the court unless plaintiffs withdraw the subpoenas.

Please let us know if you would like to meet and confer regarding the subpoenas. Otherwise, please let us know whether plaintiffs will withdraw the subpoenas by close of business on Tuesday.

Best,
Lucy

Lucy Wang | **Bingham McCutchen LLP**
Three Embarcadero Center | San Francisco, CA 94111
T (415) 393-2060 | F (415) 393-2286
lucy.wang@bingham.com | www.bingham.com

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